



## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled BARBECUE AND SMOKER APPARATUS, as filed on June 24, 2003 and as amended by the preliminary amendment and formal drawings submitted herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Philip B. Polster, Reg. No. 16,554, J. Philip Polster, Reg. No. 24,739, Lionel L. Lucchesi, Reg. No. 25,891, William G. Bruns, Reg. No. 19,541, Edward A. Boeschenstein, Reg. No. 22,986, William B. Cunningham, Jr., Reg. No. 26,155, Ralph B. Brick, Reg. No. 17,444, McPherson D. Moore, Reg. No. 28,449, J. Joseph Muller, Reg. No. 28,450, Jonathan P. Soifer, Reg. No. 34,932, Ned W. Randle, Reg. No. 35,989, Martha A. Michaels, Reg. No. 20,453, Mark E. Books, Reg. No. 40,918, Catherine W. Wall, Reg. No. 42,209, David H. Chervitz, Reg. No. 32,820, Ronald W. Hind, Reg. No. 24,643, Nelson D. Nolte, Reg. No. 42,938, Douglas D. Churovich, Reg. No. 50,613 and Douglas E. Warren, Reg. No. 52,344.

Direct all telephone calls to Nelson D. Nolte at Telephone No. (314) 872-8118.

Address all correspondence to Customer Number 001688.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of First Inventor:

Mark Hamilton

Inventor's Signature:

Mark Hamilton Date: 10-22-03

Residence:

City of St. Louis, State of Missouri

Citizenship:

United States

Post Office Address:

9719 Durham Drive, St. Louis, MO 63137